



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,978	04/18/2001	Werner Metz	INTL-0489-US (P10269)	9073

7590 11/04/2004  
Timothy N. Trop  
TROP, PRUNER & HU, P.C.  
8554 KATY FWY, STE 100  
HOUSTON, TX 77024-1805

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT PAPER NUMBER

2675

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/836,978

Applicant(s)

METZ

Examiner

Srilakshmi K. Kumar

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The following office action is in response to the Amendment filed July 1, 2004. Claims 1, 2, 11 and 20 have been amended. Claims 1-30 are pending.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 rejected under 35 U.S.C. 102(e) as being anticipated by Mumford (US 6,377,249).

As to independent claims 1, 11 and 20, Mumford discloses a method comprising, a processor (col. 6, lines 10-15), resolving a display into at least two regions (col. 6, lines 10-15); generating a different sequence of characteristic values in each corresponding to a primary color (col. 8, lines 28-47) in each of said regions while resolving the position of a sensor with respect to said regions (col. 17, lines 15-47, col. 18, lines 9-49).

As to dependent claims 2, 13, and 23, limitations of claims 1, 11 and 20, and further comprising, wherein resolving a display into at least two regions includes resolving a display into at least four regions (col. 18, lines 9-49).

As to dependent claims 3, 14 and 24, limitations of claims 1, 11 and 20, and further comprising, wherein generating a different sequence includes generating a different sequence of color values in each region (col. 17, lines 15-47).

Art Unit: 2675

As to dependent claims 4, 15, and 25, limitations of claims 1, 11 and 20, and further comprising, including generating a different sequence of at least three color values (col. 17, lines 15-47, RGB, and col. 19, lines 1-22).

As to dependent claims 5, 16 and 26, limitations of claims 1, 11 and 20, and further comprising, including generating a different sequence of only two color values (col. 17, lines 15-47, grey scale).

As to dependent claims 6, 17 and 27, limitations of claims 1, 11 and 20, and further comprising, including displaying a series of frames and interspersing, among said frames, additional frames having at least two regions each displaying a sequence of characteristic values (col. 18, lines 9-49).

As to dependent claim 7, limitations of claim 6, and further comprising, including displaying said additional frames in a fashion such that they are substantially undetectable by the user (col. 18, lines 9-49).

As to dependent claims 8, 18 and 28, limitations of claims 1, 11 and 20, and further comprising, including generating a different sequence of characteristic values by displaying a time sequence of frames each including at least two regions, and each of said regions displaying a timed sequence of characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claims 9, 19 and 29, limitations of claims 1, 11 and 20, and further comprising, including interspersing frames containing said characteristic values and frames not containing said characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claim 10, limitations of claim 1, and further comprising, including developing a sequence using fewer characteristic values than the number of regions (col. 18, lines 9-49).

As to dependent claims 12, 21, 22 and 29, see limitations of claims 1, 11 and 20, above.

As to dependent claim 30, limitations of claim 29, and further comprising, wherein said sensor is a light sensor that detects a characteristic value in the form of light (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

### ***Response to Arguments***

Applicant's arguments filed July 1, 2004 have been fully considered but they are not persuasive. Applicant argues that Mumford does not disclose generating a different sequence of characteristic values each corresponding to a primary color. Examiner, respectfully, disagrees. Mumford discloses a electronic light pen when used in conjunction with a video display permits the position of the light pen to be determined with respect to the video display by the particular color or grey scale value of light emitted by the video display and received by the electronic pen. The light from the video display is separated into three primary colors for a color display (red, blue and green), and separated into grey scale shades for a monochrome display. In col. 8, lines 38-46, Mumford discloses quickly changing screens, to present a plurality of a few different color screens in quick succession one after the other. Col. 9, lines 1-19, Mumford discloses where all of the pixels of the display screen could change in RGB value very quickly over time, yet would have a unique value at any given time. As disclosed above, Mumford discloses generating a different sequence of characteristic values corresponding to a primary color, therefore, the above rejection is maintained and made final.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, xxxx xxxx can be reached on xxx xxx xxxx. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

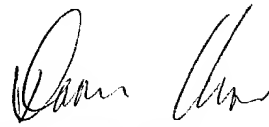
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2675

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
October 31, 2004



DENNIS-DOON CHOW  
PRIMARY EXAMINER